

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

October 8, 2003

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Geographic Information Systems in San Diego County** (Revised) *(Tony Felix)*

On September 2, 2003, Board Member Eric Anderson and staff representatives John Robertus, Pete Michael, Sherrie Komeylyan, Sabine Knedlik, Dave Gibson, Amy Grove, John Odermatt, David Hanson, Kristin Schwall, Jimmy Smith, Moopur Pathak, Charles Cheng, Vicente Rodriguez and Tony Felix attended a presentation on Geographic Information System (GIS) technology in San Diego County. Board Member Dr. Richard Wright and Sue Carnevale and Paul Hardwick of SANDAG sponsored the presentation indicating how GIS can be a powerful data collection, storage, analysis and support tool that combines data from different sources into a comprehensive geographic framework for watershed management. Moreover, they indicated how GIS could dramatically improve the ability to select the best course of action or streamline the decision making process in preserving and enhancing the County's water resources.

Concerns expressed in achieving those goals were the need to improve regional access or utilization data, to develop jointly a long-term GIS plan, to fund and implement a GIS plan, and to maximize the use of existing resources.

2. **Copper Summit Meeting** *(Pete Michael)*

On September 16, 2003 a meeting was held in Sacramento between staffs of the Department of Pesticide Regulation, regional boards, state board, and other agencies with interests in copper anti-fouling hull paint applied to recreational boats. The purpose of the meeting was to share information about agency projects and to determine what information would be needed to evaluate the need for stricter pesticide controls by California under the Agriculture Code. Participants from the San Diego Region included Deborah Jayne, Lesley Dobalian, Christina Arias, and Pete Michael. Other regions with interests in copper include the Central Coast (Morro Bay), Los Angeles (Marina del Rey), and Santa Ana Regions (Newport and Huntington Harbors). The San Francisco Bay Conservation and Development Commission (BCDC) also attended. BCDC is performing a marina monitoring program at four marinas in San Francisco Bay.

A primary topic was the dissolved copper total maximum daily load (TMDL) for the Shelter Island Yacht Basin in San Diego Bay. Lesley Dobalian and Deborah Jayne presented background information on the TMDL. Pete Michael then discussed the draft marina NPDES permit, request for harbor monitoring proposals, and technical information on copper available on the Internet. The participants were asked to submit

Internet links to copper data to be shared among the group. A new copper subgroup to the Marinas and Recreational Boating Workgroup sponsored by the state board was proposed to review the information and to coordinate with the Department of Pesticide Regulation.

3. Presentation on Soil Reuse to San Diego Environmental Professionals (*Julie Chan and John Odermatt*)

A 30-minute talk on Soil Reuse Regulations and Policy was presented by Julie Chan and John Odermatt to the San Diego Environmental Professionals at their monthly lunch meeting on September 9. The meeting was attended by about 50 people, predominantly geologists, engineers, and attorneys practicing in the environmental field in San Diego County. Julie and John described the pertinent laws and regulations regarding waste discharge requirements as they apply to contaminated soil reuse cases. John also provided a handout with important information on the relatively new general WDR (Order R9-2002-342) which regulates the reuse of low-level fuel contaminated soil. The talk generated a great deal of interest among those involved in cleanups at brownfields and other urban redevelopment sites.

4. Southern California Wetlands Recovery Project Board of Governors Meeting (*Bruce Posthumus*)

The Southern California Wetlands Recovery Project (WRP) is a partnership of seventeen federal and state agencies, including the SDRWQCB, working cooperatively with local governments, businesses, non-profit organizations, and other stakeholders to acquire, restore, and enhance coastal wetlands and watersheds in southern California. (See <http://www.coastalconservancy.ca.gov/scwrp/index.html>.)

On September 24, the Board of Governors of the WRP met in the SDRWQCB boardroom. Mary Nichols, Secretary of the Resources Agency, chaired the meeting. Chairman Minan represented the SDRWQCB on the WRP Board. Action items at the meeting were approval of an updated WRP Work Plan and approval of the addition of three new members to the WRP Science Advisory Panel. The Board also received reports on and discussed the accomplishments of the WRP, ongoing WRP projects, the implementation strategy for the Work Plan, creek daylighting (i.e., removing creeks from underground conveyances and restoring natural functions), the habitat value of wetlands used to treat urban runoff, and the regional monitoring program being developed by the Science Advisory Panel.

The 2003 WRP Symposium will be part of the "Headwaters to Oceans" conference to be held October 23-25 in Long Beach. (See <http://www.coastalconference.org/>.)

On the afternoon of September 23, in conjunction with the Board of Governor's meeting, a number of SCWRP participants took a short tour of the lower San Diego River. The tour made stops at the river mouth and estuary, Famosa Slough, Mission Valley, and Lakeside. Changes resulting from past human activities, ongoing problems and threats, and efforts and opportunities to protect and restore natural functions of the river and associated wetlands were noted.

5. Non-toxic Boat Hull Paint Demonstration (*Pete Michael*)

On October 4, 2003 Pete Michael spoke at a public demonstration featuring two sailboats which had been painted with non-toxic hull coatings. Approximately 80 persons attended the demonstration held at the Shelter Island Boat Yard on San Diego Bay, including boat owners, marina and boat yard operators, and interested parties. Speakers gave presentations at two sessions. Divers, government, and industry representatives were present to answer questions.

The educational demonstration was organized by Leigh Johnson of the University of California Sea Grant Program, a contractor to the Regional Board under a Section 319(h) grant. This project is the first of its type and is important because of the need to reduce releases of toxic chemicals into marine waters. Currently, the San Diego Region is preparing an implementation plan for control of excess dissolved copper in marinas for the total maximum daily load program under Section 303(d).

This demonstration day was the second in a series. The first public demonstration day was held one year ago and featured divers performing underwater hull cleaning. That demonstration included an underwater video camera with real-time images to allow boat owners to watch hull-cleaning operations as they occurred. See <http://seagrant.ucdavis.edu/> for further information.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) (*David Hanson, Bryan Ott, Victor Vasquez*) (*Attachment B-1*)

From September 1 to September 30, 2003, there were 13 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 6 of these spills reached surface waters or storm drains, and one resulted in closure of recreational waters. Of the total number of overflows from public systems, 5 were 1,000 gallons or more.

Three sewage overflows from private property in September were also reported; no overflow was 1,000 gallons or more; three reached surface waters or storm drains; and one resulted in closure of recreational waters.

Only trace rainfall was recorded at San Diego's Lindbergh Field in September 2003. For comparison, in August 2003, no rainfall was recorded, and 18 public SSOs were reported. In September 2002, 0.31 inch of rainfall was recorded and 35 public SSOs were reported.

Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year (FY) since FY 1999-2000 in the attached table entitled "Sanitary Sewer Overflow Statistics." Staff is in the process of gathering information to report spills using a new reporting parameter (i.e. volume of sewage spilled/total volume conveyed through

each system) and will continue to improve the manner that SSO data is presented in the future in order to provide the Regional Board the most meaningful and insightful information.

Twelve Notices of Violation (NOV), one with a Request for Technical Report (RTR), were issued in September for recent significant overflows. The NOV's were issued for the events described below:

City of San Diego

NOV R9-2003-0328 and Required Technical Report

The City of San Diego (City) notified this office of a 626,650-gallon sanitary sewer overflow, of which 2,000 gallons were reportedly recovered, that occurred on August 5, 2003 near Sorrento Valley Blvd. and Sorrento Valley Rd. resulting in a discharge to Penasquitos Creek, Penasquitos Lagoon and the Pacific Ocean. The overflow, reported by the City to be caused by operator error at nearby Pump Station 64, resulted in the posting of signs warning of sewage contamination at Torrey Pines State Beach for 4 days.

NOV R9-2003-0330

The City notified this office of a 3,375-gallon sanitary sewer overflow, of which 500 gallons were reportedly recovered, that occurred on July 9, 2003 at 12739 Futura Street resulting in a discharge to Carmel Valley Creek, Los Penasquitos Lagoon, and the Pacific Ocean. The overflow, reported by the City to be caused by roots in a manhole and downstream main, resulted in the posting of signs warning of sewage contamination on a stretch of the Los Penasquitos Lagoon outlet east of North Torrey Pines Road and at Torrey Pines State Beach 300 feet north and south of the Los Penasquitos Lagoon outlet for one day.

NOV R9-2003-0331

The City notified this office of a 72,900-gallon sanitary sewer overflow, of which 22,750 gallons were reportedly recovered, that occurred on September 2, 2003 at 33rd Street and Broadway resulting in a discharge to Chollas Creek and the San Diego Bay. The overflow, reported by the City to be caused by rocks in a sewer main, resulted in the posting of signs warning of sewage contamination at Tidelands Park in Coronado for 2 days.

NOV R9-2003-0333

The City notified this office of a 9,150-gallon sanitary sewer overflow, of which 2,000 gallons were reportedly recovered, that occurred on May 7, 2003 at 2656 Bayside Walk resulting in a discharge to Mission Bay at the south end of Mariners Basin. The overflow, reported by the City to be caused by the failure of a force main cleanout cap, resulted in the posting of signs warning of sewage contamination along the Mariners Basin shoreline, including Bonita Cove for 5 days.

NOV R9-2003-0334

The City notified this office of a 7,600-gallon sanitary sewer overflow, of which 4,500

gallons were reportedly recovered, that occurred on March 29, 2003 near Black Mountain Road and Babauta Road resulting in a discharge to Penasquitos Creek and Penasquitos Lagoon. The overflow, reported by the City to be caused by vandalism of a manhole located in Penasquitos Canyon, resulted in the posting of signs warning of sewage contamination along Penasquitos Creek, Penasquitos Lagoon, and Torrey Pines State Beach.

NOV R9-2003-0338

The City notified this office of a 46,950-gallon sanitary sewer overflow, of which 43,830 gallons were reportedly recovered, that occurred on February 18, 2003 at Atoll Street and Frakes Street resulting in a discharge to Tecolote Creek and Mission Bay. The overflow, reported by the City to be caused by rocks in a sewer main, resulted in the posting of signs warning of sewage contamination at access point to parks located along Tecolote Creek, East Mission Bay beaches, and beaches near the Tecolote Creek outlet into Mission Bay.

NOV R9-2003-0337

The City notified this office of the following sanitary sewer overflows (SSO):

<i>DATE OF SSO</i>	<i>SSO VOLUME (gallons)</i>	<i>VOLUME RECOVERED (gallons)</i>	<i>LOCATION</i>	<i>WATER BODY IMPACTED</i>	<i>RECREATIONAL WATERS POSTED AS CONTAMINATED</i>	<i>CAUSE</i>
06/12/03	7,260	1,800	3294 Logan Ave.	Chollas Creek, San Diego Bay	No posting	Vandalism
4/11/03	6,780	6,780	SR 52 and Genessee Ave.	San Clemente Creek, Rose Creek	Access points to Creek for 3 days	Roots
4/10/03	1,950	1,950	SR 52 and Genessee Ave.	San Clemente Creek	Access points to Creek for 3 days	Roots
1/15/03	500	0	La Jolla Blvd. and Playa Del Sur St.	Pacific Ocean	Beach at Neptune Pl. and Gravilla St. for 2 days	Grease
1/5/03	14,100	13,900	2323 Euclid Ave.	Unnamed canyon, tributary to Chollas Creek	No posting	Rags and roots

US Navy

NOV R9-2003-0332

The Navy Public Works Center (Navy) notified this office of a 2,500-gallon sanitary sewer overflow, of which 1,000 gallons were reportedly recovered, that occurred on July 20, 2003 on Highway 75 resulting in a discharge to the San Diego Bay. The overflow, reported by the Navy to be caused by a failure of Strand Pump Station R, resulted in the posting of signs warning of sewage contamination at Fiddler's Cove, which is located south of the Naval Amphibious Base in Coronado.

NOV R9-2003-0336

The Navy notified this office of a 6,000-gallon sanitary sewer overflow, of which 1,000 gallons were reportedly recovered, that occurred on March 9, 2003 near Highway 75 (Silver Strand Blvd.) and Rendova Circle resulting in a discharge to the San Diego Bay. The overflow, reported by the Navy to be caused by a failure of a pump station, resulted in the posting of signs warning of sewage contamination in San Diego Bay along shoreline within fenced Navy property not accessible to the general public.

Leucadia County Wastewater District*NOV R9-2003-0335*

The Leucadia County Wastewater District (LCWD) notified this office of a 2,500-gallon sanitary sewer overflow, of which 1,600 gallons were reportedly recovered, that occurred on March 19, 2003 at 7504 Gibraltar Street in Carlsbad, CA resulting in a discharge to San Marcos Creek and Batiquitos Lagoon. The overflow, reported by the District to be caused by roots and rocks, resulted in the posting of signs warning of sewage contamination at Carlsbad State Beach north and south of the lagoon outlet for one day.

NOV R9-2003-0342

The LCWD notified this office of a 10,000-gallon sanitary sewer overflow that occurred on February 12, 2003 at 2017 N. Coast Highway in Carlsbad, CA resulting in a discharge to Batiquitos Lagoon and the Pacific Ocean. The overflow, reported by the District to be caused by a pump station failure, resulted in the posting of signs warning of sewage contamination within Batiquitos Lagoon and at Carlsbad State Beach north and south of the lagoon outlet.

Vallecitos Water District*NOV R9-2003-0341*

The Vallecitos Water District notified this office of a 3,000-gallon sanitary sewer overflow, of which 2,200 gallons were reportedly recovered, that occurred on March 28, 2003 at the intersection of San Marcos Blvd. and Rancho Santa Fe Road resulting in a discharge to San Marcos Creek. The overflow, reported by the District to be caused by grease in a sewer main, resulted in the posting of signs warning of sewage contamination along San Marcos Creek for three days.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in September 2003 *(Stacey Baczkowski)*

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION ¹
9/30/03	City of Temecula	Old Town Community Theater Project	Construction of a 19,600 square foot performing arts center and a 50-foot storm drain outlet with riprap into Murrieta Creek.	Conditional
9/29/03	D.R. Horton	Clinton Keith Residential Development	Proposed development will consist of 381 residential units and a detention basin designed to accommodate the	Conditional

			first flush on 44.5 acres.	
9/24/03	City of Temecula	Main Street Bridge Scour Repair	Project will entail the backfilling of previously scoured streambed to stabilize the Main Street Bridge pile foundations.	Standard
9/19/03	Rainbow Municipal Water District	Emergency Main Sewer Pipeline Break Repair	Emergency repair of a main transmission pipeline; including a temporary overland pipeline connecting to the lift station.	Conditional
9/18/03	Marine Corps Base Camp Pendleton	Camp Pendleton Iron/Manganese Water Treatment Plant	Construction of a new 6.5 million-gallon-per-day iron/manganese water treatment plant and a new 3.0 million gallon reservoir.	Time expired
9/16/03	Alesco Development Company, LLC	Alesco Jefferson Industrial Park	Crossing the Murrieta Creek streambed as part of the haul route to import fill to the future industrial park site.	Standard
9/16/03	Brookfield University Commons, Inc.	Shelley/ University Commons	Brookfield Homes proposes to construct 131 single-family dwelling units with associated roads and utilities in the city of San Marcos.	Conditional
9/4/03	Cabrillo Isle Marina	Rehabilitation of Marina's Docks	Rehabilitation of the marina's existing F-I docks.	Conditional
9/4/03	Sun Harbor Marina	Rehabilitation of Floating Dock	Rehabilitation of a 50 year old floating dock marina. The existing wood dock system and existing piling will be demolished. Approximately 20 linear feet of sheetpile will be driven to repair the existing seawall.	Conditional
9/4/03	U.S. Army Corps of Engineers/ City of Laguna Niguel	Sulphur Creek Section 206 Ecosystem Restoration Project	Increase and enhance a portion of the Sulphur Creek riparian corridor and its associated wildlife habitat.	Standard
8/15/03	U.S. Army Corps of Engineers	Murrieta Creek Flood Control	Alleviate flooding along Murrieta Creek within the cities of Temecula and Murrieta. Construction, operation and maintenance of a flood control channel and multi-purpose detention basin with the storage capacity and hydraulic capacity to manage the 100-year tributary flow between Old Town Temecula and Tenaja Road.	Conditional

1 - Standard certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. Forth Payment of \$500 Administrative Civil Liability by Castillo & Sons, A & E Auto Recycling (*Vicente Rodríguez*)

In June 2003, the Regional Board agreed to accept Castillo and Sons' proposal to make a minimum of six monthly payments of \$500 to pay off the \$3,000 liability imposed by ACL Order No. R9-2002-0284, issued in November 2002 for failure to pay fees. On October 1, 2003, Ramon M. Castillo made the fourth payment of \$500. The next payment of \$500 is due October 31, 2003. The final payment is due November 28, 2003.

4. San Diego Municipal Storm Water Permit Update (*Phil Hammer*)

Compliance evaluations of the Copermittees' urban runoff management programs continue to be a priority. The compliance evaluations are detailed assessments of each municipality's overall success in meeting the requirements of the San Diego Municipal Storm Water Permit (Permit).

Of the eight Copermittees for which compliance evaluations have been conducted to date, seven follow-up investigations have been completed. The purpose of the follow-up investigations is to ensure that any deficiencies identified during the compliance evaluations have been corrected. The results of the follow-up investigations exhibit that the compliance evaluations have been effective; deficiencies noted during the compliance evaluations have largely been found during the follow-up investigations to have been corrected. In the few cases where deficiencies were found to have not been corrected, informal enforcement actions have been sufficient to achieve compliance. The follow-up investigation for the City of San Diego was conducted on Oct. 1 and 2, 2003.

An additional four compliance evaluations are also scheduled. The urban runoff management programs of the Cities of Imperial Beach, La Mesa, San Marcos, and Vista will be evaluated on October 14-16, 2003. Following these compliance evaluations, 12 of the 21 San Diego County Copermittees will have been evaluated since adoption of the Permit.

5. Stormwater Monitoring Coalition Of Southern California (*Michael McCann*) (*Attachment B-5*)

The Stormwater Monitoring Coalition (SMC), an 11 member research based group consisting of southern Calif. regional boards and the major stormwater management agencies, issued their Annual Monitoring Report for 2002-2004. This annual report highlights the progress made in the first year and a half of a 5 year research agenda for improving stormwater monitoring and data gathering.

Attached is a copy of the annual report that summarizes the following project accomplishments:

- Microbial Source Tracking Method Comparison Study—completed.
- Development of Standardized Stormwater Sampling Analysis Protocols—to be completed in January 2004.
- Peak Flow Impacts Study in Southern California Streams—ongoing.
- Building a Regionally Consistent and Integrated Freshwater Stream Bioassessment Monitoring Program—pre-initiation.

The Southern Calif. Coastal Water Research Project, the lead member of the SMC, maintains information on these studies on its website at www.sccwrp.org

6. Compliance of Power Plants in the San Diego Region with CWA Section 316(a) and 316(b) Requirements (*John Phillips and Hashim Navrozali*) (*Attachment B-6*)

Section 316(a) of the Clean Water Act (CWA) requires that NPDES permits establish effluent limitations with respect to the thermal component of a discharge that will assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on that body of water. CWA Section 316(b) requires that the location, design, construction and capacity of cooling water intake structures reflect the Best Technology Available (BTA) for minimizing adverse environmental impact.

The four major active coastal power plants in the San Diego Region have, over the years, conducted various studies to demonstrate compliance with CWA Sections 316(a) and 316(b) as part of their NPDES permit requirements. The four power plants are: the Duke Energy – South Bay Power Plant; the Cabrillo Power – Encina Power Station; and the Southern California Edison (SCE) – San Onofre Nuclear Generating Stations (SONGS) Units 2 and 3. Presented in Attachment 1 is a brief description of the status of the studies conducted by the power plants to demonstrate compliance with CWA Sections 316(a) and 316(b).

Since the Section 316(a) and (b) demonstration studies at the power plants were conducted over the past several years, the Regional Board needs to assess the compliance of the power plants with the regulations based on existing conditions of the receiving waters, operational parameters at the plants, and current BTA, and make a determination if updated studies are warranted. The Regional Board has already directed Duke Energy to conduct updated studies for the South Bay Power Plant based on existing conditions in San Diego Bay and operational parameters at the plant. Duke Energy will be submitting a final report on the updated studies in February 2004 as part of the process of renewing its NPDES permit.

It is important to note that in February 2004, the U.S.EPA is tentatively scheduled to promulgate new Section 316(b) regulations for existing facilities (40 CFR 425, Subpart J). After promulgation of the new regulations, power plants will have to certify that they

comply with the entrainment and impingement reduction rate performance standards of the new regulations or submit revised Section 316(b) demonstration studies.

7. Seawater Desalination Projects in the San Diego Region and California

(John Phillips and Hashim Navrozali) (Attachment B-7)

Included for your review is information regarding the existing and proposed desalination projects along the California coast, including the San Diego Region (see *Attachment I*). The information includes, the operator, location, jurisdiction, designated use of the desalinated product water, maximum capacity (acre-feet per year), and current status. The information was obtained from the California Coastal Commissions draft report *Seawater Desalination and the California Coastal Act* (8/2003). As shown in *Attachment I*, there are approximately 12 existing desalination projects statewide, with approximately 17 more being proposed. The total amount of desalinated water expected to be produced from all the proposed statewide projects is approximately 220,000 acre-feet per year (AF/yr).

In the San Diego Region there are three desalination projects proposed. The three desalination projects are: the Poseidon Resources plant located adjacent to the Cabrillo Power (Encina Power Station in Carlsbad); the Municipal Water District of Orange County's plant in Dana Point; and a U.S. Navy desalination project located in San Diego.

The growing interest in desalination projects is due in part to recent technological developments that have reduced the costs and energy requirements of producing desalinated water. Additionally, many water agencies and purveyors are interested in reducing their dependence on imported water supplies, and view desalination as providing a reliable and local source of water.

The main concern associated with desalination projects is the potential adverse environmental impact on marine organisms. This impact is primarily due to the entrainment of marine organisms in the intake structures associated with desalination systems. Furthermore, the waste brine discharges associated with desalination projects can also potentially increase the salinity of receiving waters and have adverse environmental impacts.

The discharges of brine from the desalination facilities to receiving waters are subject to regulation under the Federal NPDES program.

Many of the proposed desalination projects will be located in the vicinity of coastal power plants. Building a desalination plant next to a coastal power plant offers several economic and environmental advantages. The power plant's existing seawater intake and discharge facilities that provide water to cool the plant's turbines could also deliver water to the desalination facility and convey brine back to the ocean. Additional cooling water would be available from the power plant to mix with the brine, diluting the concentration of salts before it is discharged into the ocean. Proximity to the power plant would also reduce the cost of bringing power to the desalination facility. These factors all help to

reduce the environmental impacts and cost of constructing, as well as operating, the desalination plant.

Cabrillo Power is currently operating a pilot project seawater desalination plant at the Encina Power Station in Carlsbad. The Executive Officer authorized the commencement of the pilot plant's discharge by letter dated September 24, 2002. The pilot plant came on-line in January 2003 and is expected to continue operation through 2006. Poseidon Resources will be using the data generated from the pilot plant to develop a full-scale desalination facility at the Encina Power Station. The full-scale desalination plant, if approved, is expected to start operation in 2007 and will produce up to approximately 56,000 AF/yr of high quality potable water. The water will be supplied to the San Diego County Water Authority and other local and regional water purveyors in San Diego County.

8. Storm Water Toxicity, U.S. Navy Graving Dock (Paul Richter) (Attachment B-8)

During the Board meeting on August 13, 2003, Board member Ghio requested staff to provide the results from the acute toxicity monitoring conducted by the U.S. Navy at its Graving Dock facility. Storm water monitoring data from the Graving Dock is shown in *Table 1. U.S. Navy Facilities, Acute Toxicity Monitoring Data*. Two additional facilities, Naval Station San Diego (NAVSTA) and Naval Base Point Loma (NBPL) are also included in the table. The Graving Dock monitoring was conducted at multiple locations at different times. The data for the NAVSTA and the NBPL are from a single date and multiple locations.

The data for the Graving Dock is from April 2000 through February 2003. The data for NAVSTA and the NBPL are from February 2003 and May 2003 respectively. The copper and zinc concentration values are provided for information only. For the storm water discharges from this facility, a correlation between the metals concentrations and the survival rate has not been established.

Of the 26 data points, 13 data points meet the 90% survival limitation. The Graving Dock's NPDES permit, *Discharge Specifications B.3*, states the following:

The following acute toxicity limitation applies to undiluted storm water discharges to San Diego Bay that are associated with industrial activity:

Acute toxicity: *In a 96-hour static or continuous flow bioassay test, the discharge shall not produce less than 90% survival, 50% of the time, and not less than 70% survival, 10% of the time, using a standard test species and protocol approved by the Regional Board.*

The 90% survival requirement is achieved by the survival rate of nine out of ten test animals (or a similar ratio) in undiluted storm water for 96-hours. Each monitoring analysis is evaluated as either achieving the 90% survival rate or not achieving the 90% survival rate.

9. Convention Center Status of Compliance *(Sherrie Komeylyan)*

The City of San Diego was issued Cease and Desist Order (CDO) No. R9-2003-0086 on March 12, 2003. CDO No. R9-2003-0086 was issued due to exceedances of effluent limitations for copper and toxicity established in Order No. R9-2003-0050. Since the adoption of Order No. R9-2003-0050 on March 12, 2003, the discharge of extracted groundwater from the Convention Center has been in compliance with all applicable effluent limitations.

The CDO requires the City to submit a Remedial Action Work Plan by September 15, 2003 which: 1) evaluates current and alternative methods of treatment/disposal to prevent violation of Order No. R9-2003-0050, 2) provides information on the pollutant reduction capabilities of each compliance alternative, 3) identifies the proposed implementation schedule for proposed compliance alternatives, and 4) outlines the actions the City proposes to comply with effluent limitations of Order No. R9-2003-0050. The City of San Diego submitted the Remedial Action Work Plan to the Regional Board for review on September 15, 2003.

In this Work Plan the City has assessed a number of alternative methods of treatment/disposal to prevent violations of Order No. R9-2003-0050. The Work Plan describes facilities and siting requirements for each alternative, assesses operational characteristics and pollutant reduction capabilities of the alternatives, and identifies capital costs and operation/maintenance costs for each alternative.

In the Work Plan, the City has identified proprietary organic media filtration as the preferred compliance alternative. This alternative requires a small treatment facility that would involve minimal disruption of activities at the Convention Center. The alternative would also achieve reduction in concentrations of toxic organic constituents and toxic inorganic constituents, and would be the most economically feasible compliance alternative. This alternative will take at least 27 months to fully develop, test and install. Development and implementation of this alternative will commence after the discharge exceeds the effluent limitations of Order No. R9-2003-0050.

Further development and implementation of this alternative requires bench scale treatment testing and onsite pilot plant testing in order to develop treatment performance data, confirm the performance of the proposed treatment process, select the best combination of filter media for the alternative, and develop design specification for the proposed facilities.

The City has proposed that CDO No. R9-2003-0086 be revised to allow time for the development of the required treatment performance data and to design and construct compliance facilities.

10. City of San Diego – U.S. Marine Corps Air Station (MCAS) Miramar High Inflow Peak Flows *(David Hanson) (Attachment B-10)*

For the past several years, the City of San Diego (City) has experienced high inflow of stormwater flows from MCAS Miramar into its sanitary sewage collection system. Within the Base, runoff from large paved areas is routed into the City's sanitary sewage collection system. The City has measured sewer line flow rates from MCAS Miramar and tributaries during rain events in the range of 3 million gallons per day (mgd) above the capacity of the City's trunk line servicing the area. To avoid sewage spills during these peak flows, prior to each major rain event, the City sets up temporary bypass pumps to divert a portion of the flow to a separate trunk line. If the pumps or temporary piping were to fail during a significant rain event, a sewage spill into Rose Canyon and Mission Bay would likely occur. The current situation presents a significant threat to water quality in the Region.

The Regional Board and USEPA have met a number of times with the City and MCAS Miramar in an attempt to facilitate the reduction of excessive stormwater inflow into the City's sewage collection system. During the most recent meeting on September 23, 2003, MCAS Miramar staff agreed to provide an update of actions intended to reduce runoff inflows. In a letter from MCAS Miramar dated September 30, 2003 (attached), specific actions to be taken in the next year as well as areas that need additional analysis are identified. Regional Board staff will continue to monitor the situation and keep the Board apprised of progress.

11. San Diego County Office of Education Annual Storm Water Workshop (*John Phillips and Tony Felix*)

On September 19, 2003, Regional Board representatives John Phillips and Tony Felix of the Industrial Compliance Unit attended the Annual Storm Water Workshop of the San Diego County Office of Education. Donna Knott and Steve Herrera sponsored the event and invited Regional Board staff to provide comments and updates on the draft general industrial stormwater permit, focusing primarily on the group monitoring revisions.

Proposed revisions of the Permit include a requirement for SWPPP updates, a revised SWPPP check-list, documentation of complete BMP descriptions, increased documentation of visual observations, reports of corrective actions in response to areas of non-compliance, and new requirements for the group leaders.

The Regional Board's presentation was especially beneficial to the fifteen new school districts, such as Mountain Empire Unified School, Alpine Union School, and Valley Center-Pauma Unified School Districts. These new districts are now required to enroll in the General Industrial Stormwater Permit because of the Phase II storm water regulation requirements.

12. San Diego County Automobile Recyclers Association Quarterly Workshop (*John Phillips and Tony Felix*)

On September 24, 2003, John Phillips and Tony Felix of the Industrial Compliance Unit gave a presentation on the revised Group Monitoring Program requirements at the

quarterly workshop of the San Diego County Auto Recyclers Association (SDCARA). David Street and Nancy Hall of SDCARA sponsored the workshop with the objective of familiarizing the group leaders, dischargers and third party interest groups with the revised permit Group Monitoring Program leader requirements.

The revisions to the Group Monitoring Program include revised group participation requirements; provisions for the rescission of group participation; and requirements for the submittal of group leader inspection reports.

About thirty-five to forty members of SDCARA attended the meeting. Bruce Reznick of the San Diego BayKeeper, Wayne Rosenbaum of Foley and Lardner, and Marvin Sachse and Richard Anderson of Brash Industries attended the meeting and gave presentations. One of the important benefits of the workshop was the joint participation of the dischargers, group leaders, interested parties, and regulators in discussing and clarifying the revised monitoring and reporting procedures.

13. Gregory Canyon Landfill (*Carol Tamaki and John Odermatt*)

Pursuant to the California Code of Regulations (CCR), Title 27, Section 21585 and 21710, the information provided to the Regional Board in an application for waste discharge requirements (WDRs) must now be provided a Joint Technical Document (or "JTD") format. After June 18, 1997, the JTD is functionally equivalent to a Report of Waste Discharge (ROWD) required for any application for WDRs issued under authority of the Water Code Section 13260.

On July 6, 2003, the Regional Board staff issued our written comments to Gregory Canyon Ltd. (GCL) and a determination that their JTD (dated June 4, 2003) was incomplete. In response to that determination and the attached written comments, GCL provided the Regional Board with a revised "draft" Joint Technical Document (JTD) on September 11, 2003. Since GCL submitted the revised JTD as a "draft" document, the 30-day review normally required for formal submittals does not apply.

14. Prima Deshecha Landfill (*Amy Grove and John Odermatt*)

On September 24, 2003, the Regional Board staff notified the County of Orange that their Joint Technical Document (JTD), for expansion of the Prima Deshecha Landfill, has been determined to be complete, provided the County meets the following conditions:

- Provide the Regional Board with a "*Conceptual Head-Scarp Excavation and Removal Plan for Zone 1, Phase B landslide: Prima Deshecha Landfill.*" The report shall include plan-view drawings of proposed final cut-slope configurations, stability analyses, and a discussion of the proposed earthwork including natural foundation materials, slope design including slope heights and angles, cut depths, and any other pertinent information.
- The text of the final JTD shall be amended to include a brief discussion of the proposed headscarp excavation and final cut, the natural material involved in

constructing the cut, depths, slope angles. The text of the JTD should be updated to include your discussion of the effects from the recently constructed stability berm, the initial effects of relocated stockpile material derived from the landslide remediation project, and your assessment of the current stability of the area containing the proposed biomitigation channel.

- Provide the Regional Board with all documentation, correspondence with the California Integrated Waste Management Board's (CIWMB), required to demonstrate that the County of Orange County is in compliance with the CCR Title 27 requirements to establish acceptable Financial Assurances (FAs) for "Corrective Action" associated with reasonably foreseeable releases. Please note, the requirement to establish and maintain FAs for corrective actions is in addition to the requirements to provide acceptable FAs for closure and post-closure maintenance.
- Provide the Regional Board with a copy of the stability analyses for cross-sections F-9, F-10, and F-11, for Phase B. These cross-sections were created to replace previously received cross-sections 1-1', 2-2', 3-3' and 4-4', which the Regional Board deemed to be inadequate for demonstrating the stability of proposed construction in Phase B. The analyses for Phase B shall include stability of the final build-out configuration as well as for the natural foundation.
- Provide the Regional Board with the final copy of the JTD. Submittals received in July 2003 were in draft form and subsequent submittals were in "redline strikeout" format. The draft sections of the JTD should be revised into the final format and submitted to the Regional Board.

Due to the general instability of the area, including the Prima Deshecha Landfill (see EO Reports for 7-12-02, 1-08-03, 6-11-03); the staff anticipates the County of Orange will provide additional plans and slope stability analyses prior to developing waste management units beyond the currently proposed unit in Phase B of Zone 1.

On October 2, 2003, the County of Orange provided the Regional Board staff with draft financial assurance (FA) documents for funding corrective actions necessary to mitigate reasonably foreseeable releases from the Prima Deshecha Landfill. Dischargers who own or operate Class III waste management units are required to establish and maintain FAs for corrective actions pursuant to Title 27, Section 22222. The Regional Board staff has provided copies of the draft FA documents to the SWRCB OCC staff for review and further discussion.

An agenda item for consideration of tentative waste discharge requirements (WDRs) will be scheduled for the Regional Board meeting on November 12, 2003.

15. Mission Bay Landfill (*Brian McDaniel and John Odermatt*)

During the months from June to August 2003, the Regional Board received several separate requests from representatives of the Sierra Club- San Diego Chapter (Sierra

Club) regarding their concerns about the Mission Bay Landfill. These requests primarily concerned: 1.) Request to reclassify the Mission Bay Landfill to a Class I waste management unit and 2.) Request that the Regional Board adopt a resolution acknowledging that significant volumes of hazardous materials/constituents had been discharged to the Mission Bay Landfill during its operational lifetime (circa 1952 to 1959). The Regional Board staff's written responses were provided in the EO Report for September 10, 2003 (see EO Report Item B-16 and attachments).

The Regional Board currently regulates the Mission Bay Landfill under waste discharge requirements issued to the City of San Diego as General Order 97-11. On November 12, 2003, the Regional Board is scheduled to consider adoption of Addendum No. 4 to Order 97-11. That tentative addendum is for the purposes of identifying new dischargers for two currently enrolled facilities (i.e., the NTC/MCRD Landfill and the Rainbow Canyon Landfill) and enrolling an additional facility (i.e., San Pasqual Academy Burn Site) for coverage under Order 97-11. The tentative addendum to Order 97-11 does not affect waste discharge requirements for the Mission Bay Landfill.

Recent discussions with staff indicate that it is likely that a representative from the Sierra Club- San Diego Chapter may wish to address the Board concerning the Mission Bay Landfill during the public forum at a future Regional Board meeting.

16. Burn-ash Sites in the San Diego Region (Amy Grove and John Odermatt)

VISTA I BURN –ASH SITE: The site is located adjacent to Loma Alta Creek in the 1300 Block of Lee Avenue in the City of Carlsbad. The site is currently occupied by the Vista Little League and commonly used by the public for conducting children's baseball games.

Solid Waste Water Quality Testing (SWAT) Report: California Water Code Section 13273 requires "operators" to submit a Solid Waste Water Quality Assessment Test (SWAT) to the Regional Board. The Vista I Burn Site was identified in the original SWAT ranking (Rank 15) of 1987. The objective of the SWAT is based upon California Water Code Section 13273, which requires site "operators" to make a determination whether a disposal site is leaking hazardous substances that may enter and degrade water resources. On June 20, 2002, the Regional Board Executive Officer issued Order R9-2002-0166 to reaffirm the identification of "operators" (pursuant to criteria of Water Code Section 13273) and reaffirm the previous written requests for a SWAT proposal to be submitted to the Regional Board. The Regional Board received the original required SWAT proposal from the operators on November 15, 2002 and a subsequent revision on August 7, 2003.

Status of SWAT investigation: On September 2, 2003, the Regional Board staff met with the County Department of Public Works staff (DPW staff) to discuss their most recent SWAT proposal for the Vista Burn Ash site. The SWAT proposal by the County DPW staff did not adequately address waste management issues associated with their proposal to use "trenching" as their preferred site investigation technique. In addition, the proposal

did not contain a clear indication of how the County would propose to mitigate the creation of nuisance conditions during the performance of the site investigation. The Regional Board staff has recommended the County DPW staff consider the use of technically acceptable but less intrusive site investigation technique (e.g., soil borings, etc.) to limit the volume of generated wastes and minimize the potential for the creation of nuisance conditions at the site.

BURN-ASH SITES IN FALLBROOK AND ALPINE: The Regional Board has recently received information from the County of San Diego regarding former waste burning operations (“burn-ash sites”) that are located in the San Diego Region:

SITE NAME	Location	Assessor Parcel Nos.	Current Land Use(s)
Fallbrook 1C Burn Site	Stone Post Way, Fallbrook	105-481-36, 105-481-45, 105-481-44, 103-010-66, 103-010-52	Mixed single family residential use and undeveloped land.
Alpine 2 Burn Site	Chocolate Summit Dr., Alpine	402-350-60, 402-350-38, 402-350-40, 402-350-61, 402-351-06, 402-221-08	Mixed single family residential use and undeveloped land.

Fallbrook 1C Burn Site: According to information provided to the Regional Board, between the years of 1953 to 1959, the County of San Diego conducted waste burning operations at the site. The former burn site covers an area of approximate 10 acres. The State Water Resources Control Board lists the Fallbrook Burn site in Rank 7 on the statewide Solid Waste Assessment Test (SWAT) list compiled pursuant to the statutory requirements (California Water Code Section 13273).

Alpine 2 Burn Site: According to information provided to the Regional Board, between the years of 1957 to 1971, the County of San Diego conducted waste burning operations at the site. The former burn site covers an area of approximate 6.67 acres. The State Water Resources Control Board lists the Alpine 2 Burn site in rank 5 on the statewide Solid Waste Assessment Test (SWAT) list compiled pursuant to the statutory requirements (California Water Code Section 13273).

Solid Waste Water Quality Testing (SWAT) Report: California Water Code Section 13273 requires “operators” to submit a Solid Waste Water Quality Assessment Test (SWAT) to the Regional Board. The objectives of the SWAT investigation, based upon California Water Code Section 13273, require the “operators” to make a determination whether a disposal site is leaking hazardous substances that may enter and degrade water resources.

The Regional Board staff is currently developing Orders requiring that the “operators” initiate and complete a SWAT investigation of each of these burn-ash sites. The staff has also prepared an EO Report item (see item C-5 below) on recent actions taken at Cal-EPA to address burn-ash sites statewide.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Caulerpa taxifolia Eradication and Prevention Activities (*Lesley Dobalian & Bruce Posthumus*) (*Attachment C-1*)

Pursuant to SWRCB Resolution No. 2001-309, the SDRWQCB recently completed the eighth quarterly (July through September 2003) progress report to the SWRCB on efforts to eradicate infestations of the invasive non-native seaweed *Caulerpa taxifolia* and to prevent new infestations. A copy of the report is attached.

The key to eradicating *C. taxifolia* is ongoing surveillance, because, unless all *C. taxifolia* is found and successfully treated, the threat of re-growth and spread remains. The results of recent surveys have been encouraging. No *C. taxifolia* has been found in Agua Hedionda Lagoon since September 2002. No *C. taxifolia* has been found in Huntington Harbour since November 2002. However, since surveys are imperfect (due to turbidity, eelgrass, and other factors that make it difficult to find small objects underwater), not finding *C. taxifolia* in one or several surveys does not mean that eradication has been achieved. Until a number of surveys are conducted without finding *C. taxifolia*, it is premature to conclude that eradication has been achieved. Surveillance of other California waters is also essential in order to find any other existing infestations of *C. taxifolia* that may be present. Early detection of any such infestations reduces the risk of spread, reduces the cost of eradication efforts, and increases the chances that eradication efforts will be successful.

The key to preventing new infestations of *C. taxifolia* is persuading aquarium owners to properly dispose of *C. taxifolia* and to not use it anymore. Although the possession, transport, sale, giving away, and live release of *C. taxifolia* is now illegal in California, there are indications that *C. taxifolia* is still in use by and available to aquarium owners. The continued use of *C. taxifolia* in aquaria poses an ongoing threat of new infestations.

2. Leucadia Wastewater District "Hands Across The Border" Transfer of Surplus Wastewater Treatment Equipment to State of Baja California, Mexico Wastewater Utility (*David Hanson*) (*Attachment C-2*)

In a ceremony on September 19, 2003, the Leucadia Wastewater District formally transferred surplus wastewater treatment equipment from a dismantled secondary treatment plant to the State of Baja California Wastewater Utility, Comisión Estatal de Servicios Públicos (CESP) de Mexicali. The ceremony, attended by approximately 25 people, was held at the Leucadia Wastewater District office at 1960 La Costa Avenue in Carlsbad. The equipment included a mobile backup power generator that can be used during power outages and a portable pump that can be used to intercept sewage spills. The equipment will be used to reduce contaminant flow into the New River and, ultimately into California's Imperial County and the Salton Sea. Additional generators, pumps, clarifiers, and laboratory equipment will be transferred to CESP de Ensenada and Tecate.

Although the State of California provided no financial assistance, the State Water Resources Control Board and Regional Water Quality Control Boards did help facilitate the transfer of the surplus equipment. Speakers at the ceremony included Michael Bardin, General Manager, Leucadia Wastewater District; Judy Hanson, President, Board of Directors of Leucadia Wastewater District; Pete Silva, Board Member, State Water Resources Control Board; Ing. Efrain Muñoz Martin, Director General de la Comisión Estatal de Servicios Públicos de Mexicali; and Jose Angel, Regional Water Quality Control Board, Colorado River Region.

Attached is a letter from Winston Hickox thanking Leucadia Wastewater District for their efforts.

3. Urban Runoff Task Force (*Phil Hammer*)

The State Water Resources Control Board (SWRCB) storm water staff convenes a bimonthly meeting called the Urban Runoff Task Force. The meeting is typically attended by storm water staff from the Regional Boards, and provides an internal forum for the discussion of storm water regulation issues. Discussions usually center on the regulatory programs for municipal, construction, and industrial storm water.

An Urban Runoff Task Force meeting was recently held on September 11, 2003. Topics discussed included Phase II municipal storm water permit implementation, statewide general industrial storm water permit re-issuance, and construction site storm water monitoring.

Of particular note, standard language for phase I municipal storm water permits was discussed. SWRCB staff has developed for internal review a preliminary draft of standard language for phase I municipal storm water permits. Specific information on how this standard language is ultimately expected to be used was not offered. Potential uses of the standard language range from it serving as guidance to the Regional Boards in writing permits to it being used for a statewide general phase I municipal storm water permit.

Staff from several Regional Boards requested that the SWRCB clarify how it plans for this standard language to be utilized. Comments on the internal draft will be provided to the SWRCB on Oct. 17, 2003. Future updates will be provided as this issue develops.

4. Cruise Ships (*Pete Michael*) (*Attachment C-4*)

Two bills and correspondence from a cruise ship industry association have been received from the State Water Resources Control Board. Two California bills addressing wastes from large passenger ships were signed by the Governor in September 2003: AB 121 (Simitian) and AB 906 (Nakano). The first bill prohibits discharges of oily bilge water and sewage sludge, and the second bill prohibits discharges of hazardous waste and "other waste," including photo lab and dry cleaning chemicals, and medical waste. Both bills apply in California marine waters and in federal waters where national marine sanctuaries are associated with California waters. No national sanctuaries exist in or near

the San Diego Region. Still to be determined is whether an application is required from a state to the federal government for authority to prohibit these discharges from passenger ships or whether a state can prohibit the discharges to state waters or to national marine refuges from these ships without an application.

Background on these bills: Since 1976, states have been allowed under federal law to prohibit the discharge of sewage from vessels into sewage no-discharge zones under Clean Water Act Section 312(f) after application to USEPA and with permission of the USEPA administrator. The San Diego Region has four no-discharge zones: all of Dana Point Harbor, Oceanside Harbor, and Mission Bay, and San Diego Bay in waters less than 30 feet deep. AB 121 authorizes regional boards to detect and monitor bilge water and sewage sludge. State law, however, does not authorize a state to regulate black water or sewage (waste water from on-board toilets) to surface waters outside these zones; or gray water (waste water from sinks and showers) within these zones or outside these zones.

Regional board authority: Under the two bills, executive officers may be delegated authority by their regional boards to provide surveillance and to refer enforcement cases to the Attorney General. Presumably, a small boat and crew would be required to perform surveillance, collect water samples, and report the sampling results. The bills do not provide compensation to cover regional board costs.

Industry black water and gray water proposal: A September 25, 2003 e-mail to the State Water Resources Control Board from Michael Crye, President of the International Council of Cruise Lines, commented that currently, member ships have agreed to retain all sewage and gray water onboard within four miles of the coast. The Council has requested the State Board allow treated discharges of sewage and gray water and is negotiating with the State Board on this matter. A copy of the e-mail is attached. Implications for the San Diego Region: Currently, large passenger ships dock at the B Street Cruise Ship Terminal or at the Broadway Pier in San Diego Bay. In both cases, these waters are approximately 35 feet deep, and therefore are not located within the no-discharge of sewage zone. If passenger ships in the Bay were now to discharge black water treated to federal standards or discharges of untreated gray water, the ships could be in compliance with federal law. The State Board is now discussing cruise ship discharges with the industry association.

5. Cal-EPA Burn Dump Protocol (*John Odermatt*)

As of 2002, there were approximately 550 burn ash sites that had been identified in California. Approximately 50 of these sites are known to exist in the San Diego Region and more sites may exist but are as yet unidentified. Old historical burn-ash dumps are most often encountered during the course of redevelopment of urbanized areas and through the expansion of urban areas.

In September 2002, AB709 amended the Public Resources Code (PRC) requiring the Department of Toxic Substances Control (DTSC), the State Water Resources Control Board (SWRCB), and the California Integrated Waste Board (CIWMB) to jointly develop

a “burn dump protocol” for use by the CIWMB and its local enforcement agencies (LEAs). The burn dump protocol, required by these PRC amendments, does not supercede any existing State policy (e.g., SWRCB Resolution No. 92-49: “Policies and Procedures for Investigation and Cleanup and Abatement under Water Code Section 13304”) or preclude the use of other guidance documents (e.g., SWRCB Solid Waste Assessment Test or SWAT Guidance) for the investigation of burn-ash sites.

On June 30, 2003, the DTSC issued the “Protocol for Burn Dump Site Investigation and Characterization.” The full text of the 2003 burn dump protocol is available on-line at:

http://www.dtsc.ca.gov/SiteCleanup/SM_POL_Burn-Dump-Protocol.pdf

The DTSC is currently accepting written comments on the protocol for approximately one year (until June 2004). At the end of that period, the Cal-EPA agencies will decide upon the need to revise, amend, or reissue the burn dump protocol for further use by the public and agencies. The most significant new topic affecting the Regional Board is the identification of lead regulatory agency. The concept of sensitive site/land use is central in the determination of the lead regulatory agency at burn-dump sites. This following two-part definition of sensitive land site/land uses is provided in the Public Resources Code (PRC), Sec. 48022:

- Residential, school, day-care facility or high density of occupation on a daily basis.
- Park, golf course, or any other similar open space area that is made available for public use and has a potential for public exposure to hazardous substances.

If the CIWMB requests a consultation, then the determination of lead regulatory agency will be made within 30-days. For sensitive land uses, the CIWMB will request a site consultation meeting with the DTSC, SWRCB and the appropriate Regional Board. The most likely scenarios for designation of lead regulatory agency are as follows:

In most cases, for non-sensitive sites the lead regulatory agency is likely to be the CIWMB or one of its local enforcement agencies (LEAs).

For sites that currently have or are proposed to include sensitive land uses, a likely lead regulatory agency may be the DTSC.

If the site presents a threat to water quality then the Regional Board is likely to become the lead regulatory agency.

Finally, upon their request the DTSC or Regional Board will be the designated the lead regulatory agency for the site.

It is likely that consideration of the Cal-EPA burn dump protocol will be a factor as the Regional Board staff continues to be involved in regulation of some burn-ash wastes for the protection of water resources in the San Diego Region.